
By: **Delegates Simmons and King**

Introduced and read first time: February 5, 2004

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Safe Schools Reporting Act of 2004**

3 FOR the purpose of requiring each county board of education to create a program for
4 reporting certain incidents against certain students; authorizing certain persons
5 to file a report regarding certain incidents; requiring each county board to create
6 a victim of harassment or intimidation report form; providing for the contents
7 and distribution of a certain form; requiring a county board to submit copies of a
8 certain form to the State Board of Education on or before a certain date each
9 year; requiring a county board to delete identifying information from certain
10 forms under certain circumstances; requiring the State Board to submit a
11 certain report on or before a certain date each year to certain committees
12 consisting of certain information relating to victim of harassment or
13 intimidation reports filed with county boards; and generally relating to
14 reporting incidents of harassment or intimidation of students at public schools.

15 BY adding to
16 Article - Education
17 Section 7-420
18 Annotated Code of Maryland
19 (2001 Replacement Volume and 2003 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article - Education**

23 7-420.

24 (A) IN THIS SECTION, "HARASSMENT OR INTIMIDATION" MEANS CONDUCT,
25 INCLUDING VERBAL CONDUCT, THAT:

26 (1) CREATES, OR CERTAINLY WILL CREATE, A HOSTILE EDUCATIONAL
27 ENVIRONMENT BY SUBSTANTIALLY INTERFERING WITH A STUDENT'S EDUCATIONAL
28 BENEFITS, OPPORTUNITIES, OR PERFORMANCE, OR WITH A STUDENT'S PHYSICAL OR
29 PSYCHOLOGICAL WELL-BEING AND IS:

1 (I) MOTIVATED BY AN ACTUAL OR A PERCEIVED PERSONAL
2 CHARACTERISTIC SUCH AS RACE, NATIONAL ORIGIN, MARITAL STATUS, SEX, SEXUAL
3 ORIENTATION, GENDER IDENTITY, RELIGION, OR DISABILITY; OR

4 (II) THREATENING OR SERIOUSLY INTIMIDATING; AND

5 (2) OCCURS ON SCHOOL PROPERTY, AT A SCHOOL ACTIVITY OR EVENT,
6 OR ON A SCHOOL BUS.

7 (B) (1) EACH COUNTY BOARD SHALL CREATE A PROGRAM FOR REPORTING
8 INCIDENTS OF HARASSMENT OR INTIMIDATION AGAINST STUDENTS ATTENDING A
9 PUBLIC SCHOOL UNDER THE JURISDICTION OF THE COUNTY BOARD.

10 (2) AN INCIDENT OF HARASSMENT OR INTIMIDATION MAY BE
11 REPORTED BY A STUDENT OR THE PARENT, GUARDIAN, OR CLOSE ADULT RELATIVE
12 OF A STUDENT.

13 (C) (1) EACH COUNTY BOARD SHALL CREATE A VICTIM OF HARASSMENT OR
14 INTIMIDATION REPORT FORM.

15 (2) EACH VICTIM OF HARASSMENT OR INTIMIDATION REPORT FORM
16 SHALL:

17 (I) IDENTIFY THE VICTIM AND THE PERPETRATOR, IF KNOWN;

18 (II) INDICATE THE AGE OF THE VICTIM AND PERPETRATOR;

19 (III) DESCRIBE THE INCIDENT, INCLUDING STATEMENTS MADE BY
20 THE ALLEGED PERPETRATOR;

21 (IV) INDICATE THE LOCATION OF THE INCIDENT;

22 (V) IDENTIFY ANY PHYSICAL INJURY SUFFERED BY THE VICTIM
23 AND DESCRIBE THE SERIOUSNESS AND ANY PERMANENT EFFECTS OF THE INJURY;

24 (VI) IDENTIFY ANY REQUEST FOR PSYCHOLOGICAL SERVICES
25 INITIATED BY THE VICTIM OR THE VICTIM'S FAMILY DUE TO PSYCHOLOGICAL
26 INJURIES SUFFERED; AND

27 (VII) DESCRIBE THE CORRECTIVE ACTION THE VICTIM WOULD LIKE
28 TO OCCUR.

29 (3) EACH VICTIM OF HARASSMENT OR INTIMIDATION REPORT FORM
30 SHALL INCLUDE INSTRUCTIONS ON HOW TO FILL OUT THE FORM AND THE MAILING
31 ADDRESS TO WHERE THE FORM SHALL BE SENT.

32 (4) A COUNTY BOARD SHALL DISTRIBUTE COPIES OF THE VICTIM OF
33 HARASSMENT OR INTIMIDATION REPORT FORM TO EACH PUBLIC SCHOOL UNDER
34 THE COUNTY BOARD'S JURISDICTION.

1 (D) (1) EACH COUNTY BOARD SHALL SUBMIT COPIES OF ALL THE VICTIM OF
2 HARASSMENT OR INTIMIDATION REPORT FORMS FILED WITH THE COUNTY BOARD
3 TO THE STATE BOARD ON OR BEFORE JANUARY 31 EACH YEAR.

4 (2) A COUNTY BOARD SHALL DELETE ANY INFORMATION THAT
5 IDENTIFIES AN INDIVIDUAL.

6 (E) (1) THE STATE BOARD SHALL SUBMIT A REPORT ON OR BEFORE MARCH
7 31 EACH YEAR TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL
8 AFFAIRS COMMITTEE AND THE HOUSE WAYS AND MEANS COMMITTEE, IN
9 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, CONSISTING OF
10 A COMPILATION OF THE INFORMATION INCLUDED IN THE VICTIM OF HARASSMENT
11 OR INTIMIDATION REPORT FORMS FILED WITH THE COUNTY BOARDS THE PREVIOUS
12 YEAR.

13 (2) THE REPORT SUBMITTED BY THE STATE BOARD SHALL INCLUDE:

14 (I) A DESCRIPTION OF THE ACT CONSTITUTING THE HARASSMENT
15 OR INTIMIDATION;

16 (II) THE AGE OF THE VICTIM AND PERPETRATOR;

17 (III) TO THE EXTENT FEASIBLE, A DETERMINATION OF THE
18 PERPETRATOR'S MOTIVE;

19 (IV) A DESCRIPTION OF THE INVESTIGATION OF THE COMPLAINT
20 AND ANY CORRECTIVE ACTION TAKEN BY THE APPROPRIATE SCHOOL AUTHORITIES;

21 (V) A STATISTICAL BREAKOUT OF THE NUMBER OF FALSE
22 ALLEGATIONS REPORTED; AND

23 (VI) ANY OTHER INFORMATION NECESSARY TO DETERMINE THE
24 NATURE AND EXTENT OF THE TYPES OF HARASSING OR INTIMIDATING INCIDENTS
25 AND THE MOTIVATION BEHIND THE INCIDENTS.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
27 effect July 1, 2004.